

**BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA**

**INQUIRY CONCERNING A JUDGE,  
NO. 09-524, JUDGE DALE C.COHEN**

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**CASE NO: SC 10-348**

**MOTION FOR PROTECTIVE ORDER**

**STEPHEN MELNICK, ESQUIRE**, files this Motion for Protective Order to prohibit the taking of his deposition and for protection of records and as grounds in support thereof, states:

1. Stephen Melnick, Esquire, was deposed by counsel for Judge Dale C.Cohen. The deposition was concluded and counsel did not reserve the right to further inquire Mr. Melnick.
2. On July 8, 2010, Stephen Melnick was served with another deposition subpoena, this time scheduling his deposition for August 12, 2010 while also requiring him to produce documents which are either privileged or irrelevant to the matters at hand.
3. Specifically, Mr. Melnick has been asked to produce the following documents:
  - a. A copy of his complete files, showing all pleadings he filed, all retainer agreements, and all fee payments for clients Steven Gibbs( 2006 and 2009 case), Leon Butler, and Kevin Rigby.
  - b. A list of all clients Mr. Melnick filed a Motion to Recuse from Judge Dale C.Cohen's division.
  - c. A list of all clients Mr. Melnick did not file a Motion to Recuse from Judge Dale C.Cohen's division.
4. As to the documents request in paragraph one, the attorney-client privilege would prevent production of Mr. Melnick's complete file. Furthermore, any payments received by Mr. Melnick for representation of his clients is not relevant to the issues rose in this inquiry.

5. As to the documents requested in Paragraph 2 and 3, these requests are irrelevant. Furthermore, any cases in which Mr. Melnick represented clients before Judge Dale C.Cohen would be a matter of public record.
6. The alleged misconduct of others does not justify repeated departures from the guidelines established by the Code of Judicial Conduct. *In re Graham*, 620 So.2d 1273(Fla. 1993), *In re Shea*, 759 So.2d631 (Fla. 2000), and *In re McMillan*, 797 So.2d 560 (Fla. 2001).
7. Thus, a protective order should be issued to prohibit Mr. Melnick from being deposed again and ordering that he need not produce the request documents.
8. Commission Rule 12(a) recognizes that the Rules of Civil Procedure shall be applicable in this matter. Thus, the provisions of Rule 1.280(c) mandate entry of a protective order in favor of Mr. Melnick in this matter.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the following foregoing has been furnished by regular U.S. Mail to: Michael A. Catalano, Esquire, 1531 NW 13 Court, Miami, FL 33125; F. Wallace Pope, Esquire, P.O. Box 1368, Clearwater, FL 33757; Michael L. Schneider, Esquire, 1110 Thomasville Road, Tallahassee, FL 32303, Laurie Waldman Ross, Esquire, 9130 S. Dadeland Boulevard, Suite 1612, Miami, FL 33156; and Henry M. Coxe, III Esquire, 1010 E. Adams Street, Jacksonville, FL 32202-3303. This \_\_\_\_\_day of July, 2010.

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